

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH
NEW DELHI
ORIGINAL APPLICATION NO. 617 OF 2022**

IN THE MATTER OF:

Pushpender ...Applicant

Versus

State of U.P. & Ors. ...Respondents

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FILED BY

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Place: New Delhi
Date: 01.05.2023

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH
NEW DELHI
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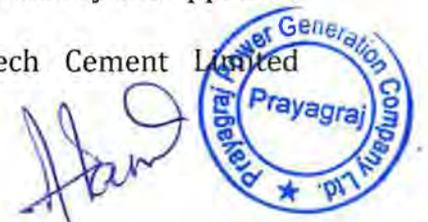
State of U.P. & Ors.

...Respondents

**AFFIDAVIT ON BEHALF OF PRAYAGRAJ POWER GENERATION COMPANY LIMITED
IN COMPLIANCE WITH THE DIRECTIONS PASSED BY THIS HON'BLE TRIBUNAL VIDE
ITS ORDER DATED 24.04.2023**

I, Ashok Kumar Panda, aged about 56 years, son of Nrushigha Chandra Panda, resident of C2/1, Prayag Vihar, PPGCL, PO – Lohgara, Tehsil – Bara, Pin 212107, Authorised Representative of Respondent No. 4 i.e. M/s Prayagraj Power Generation Company Ltd (**“Respondent No. 4”/ “PPGCL”**), having its office at PO – Lohgara, Tehsil – Bara, Pin - 212107, do hereby solemnly affirm, declare and state on oath as under:-

1. I am the duly Authorised Representative of Respondent No. 4 Company in the instant Original Application and as such I am well conversant with the facts and circumstances of the present case, based on the information and knowledge as derived from the records maintained by the Respondent No. 4 in its ordinary course of business.
2. I state that the present Letter Petition has been filed by Mr. Pushpender (**“Applicant”**) before this Hon’ble Tribunal through e-mail whereby the Applicant has alleged that Respondent No. 4 and M/s Ultratech Cement Limited



("Respondent No. 5") are polluting the environment due to the storage of cement brought by trucks to the village *Berui Post Bemra Shankargadh, Teshil Bara* District Prayagraj, Uttar Pradesh ("UP"). In addition to this, the Applicant has also alleged that on account of the Project operations of Respondent No. 4 and Respondent No. 5, the water near the Project site is being contaminated thereby rendering it unfit for consumption.

3. Upon receipt of the aforesaid Letter Petition filed by the Applicant, this Hon'ble Tribunal *vide* its order dated 29.09.2022 took *Suo Moto* cognizance of the allegations made thereunder and accordingly registered the same as Original Application ("OA") bearing No. 617 of 2022.
4. The captioned matter was listed for hearing on 24.04.2023 before this Hon'ble Tribunal, wherein this Hon'ble Tribunal issued certain directions *qua* Respondent No 4. The relevant extract of the order dated 24.04.2023 is reproduced hereinbelow for the ease of reference:-

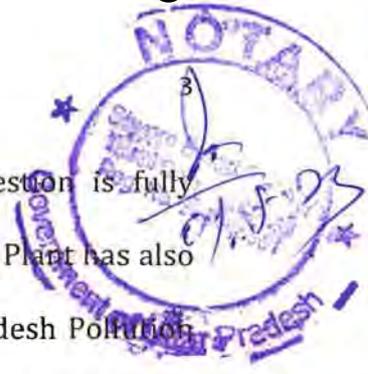
"7. Even today learned Counsel for respondent no. 4-M/s PPGCL is referring to the letter written to the concerned SDM while conceding that even today RO is not operational.

8. Respondent no. 4-M/s PPGCL and the District Magistrate, Prayagraj are directed to take requisite action immediately on receipt of a copy of this order for making the RO functional by carrying out all requisite measures including change of transformer, as may be required, with the help of/by involving the concerned governmental/private agencies and to send compliance report in this regard within seven days by email at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR supported PDF and not in the form of Image PDF..."

[Emphasis Supplied]

5. In compliance with the directions passed by this Hon'ble Tribunal *vide* its order dated 24.04.2023, I state that Respondent No. 4 took diligent steps in respect of the operationalisation of the RO Plant which has been set up by the Respondent No.4 as part of its Corporate Social Responsibilities ("CSR"). I further state that as





on date of filing of the present affidavit, the RO Plant in question is fully functional/operational. The factum of operationalisation of the RO Plant has also been brought to the knowledge of the Regional Officer, Uttar Pradesh Pollution Control Board ("**Respondent No. 2**") by Respondent No. 4 *vide* its letter dated 29.04.2023, which is also supported with relevant photographs demonstrating the operationalisation of the RO Plant. For the ease of reference, the relevant extract of the letter dated 29.04.2023 issued by the Respondent No. 4 to Respondent No. 2 is reproduced hereinbelow:-

*"...We would like to inform to your good office that **RO plant is made operational on 28.04.2023**. Photographs of RO functioning is attached for your reference as Annexure."*

[Emphasis Supplied]

A True Copy of the letter dated 29.04.2023 along with supporting photographs, issued by Respondent No. 4 to Respondent No. 2 is marked as **ANNEXURE R4/1** for your ready reference.

6. In view thereof, I state that Respondent No. 4 is filing the present affidavit in due compliance with the directions passed by this Hon'ble Tribunal *vide* its order dated 24.04.2023. This Hon'ble Tribunal may be pleased to take the present compliance affidavit on record.



Handwritten signature

DEPONENT

VERIFICATION

I, the deponent above named do hereby verify that the contents of this affidavit are true and correct to the best of my knowledge and belief, no part of it is false and nothing material has been concealed therefrom.

Verified at Prayagraj on this 1st day of May, 2023.

Ad. K. ...
by the ...
on date ...
Compound ...
J.P. Accept ... and verify that the contents of this affidavit ...
SHYAM BHARI DANDE
Notary
Uttar Pradesh



Handwritten signature

DEPONENT

Handwritten signature
01.05.23

Ref: PPGCL/ENV/FY24/020

Date: 29.04.2023

To,
Regional Officer
Uttar Pradesh Pollution Control Board
Jhusi, Prayagraj

Subject: Compliance report of Hon'ble NGT order dated 24.04.2023 in OA 617/2022
Pushpender Vs. State of Uttar Pradesh & Ors. regarding RO functionality.

Ref: G00/23/NGTOANo.617/2022/2023 Dated 28.04.2023

Dear Sir,

With reference to the above mentioned subject and referred letter, we would like to inform to your good office that RO plant is made operational on 28.04.2023. Photographs of RO functioning is attached for your reference as Annexure.

This is for your kind information and record please.

Thanking You

For, Prayagraj Power Generation Company Ltd.,


S H Pandey

Chief O&M Services

Encl: Annexure

Cc:

- 1- District Magistrate, Prayagraj, Uttar Pradesh
- 2- CEO, Circle-2, Uttar Pradesh Pollution Control Board, Lucknow
- 3- Chief Law Officer, Uttar Pradesh Pollution Control Board, Lucknow

Prayagraj Power Generation Company Limited

Registered Office : Shatabdi Bhawan, B 12 & 13, Sector 4, Gautam Budh Nagar, Noida, Uttar Pradesh - 201301
Phone: + 91-120-6102000/6102208 CIN: U40101UP2007PLC032835

Plant Address : P.O. - Lohgara, Tehsil - Bara, Prayagraj (Allahabad), Uttar Pradesh - 212107
Phone: + 91-7525006400/ 8528846666, Web:-ppgcl.co.in, Email:-ppgcl@ppgcl.co.in


TRUE COPY

Pics of RO plant









Delhi Office

From: Kunal Chopra
Sent: 01 May 2023 14:09
To: Consultant Judicial-NGT(P.B.)
Cc: Shri Venkatesh; Jatin Ghuliani; Anant Singh; Mohit Mansharamani; Delhi Office; jesalw@gmail.com; vanita.bhargava@khaitanco.com; roprayagraj@uppcb.in
Subject: [Filing by way of e-mail] - OA No. 617 of 2022 - Pushpender vs State of UP & Ors
Attachments: Compliance Affidavit in OA No.617 of 2022.pdf

Dear Sir/Ma'am,

We represent M/s Prayagraj Power Generation Company Limited (“**Respondent No. 4**”/“**PPGCL**”) in the captioned matter which is pending adjudication before this Hon’ble Tribunal.

The captioned matter was taken up for hearing on 24.04.2023, wherein this Hon’ble Tribunal had directed PPGCL to take requisite steps for making the RO Plant operational.

PPGCL was further directed by this Hon’ble Tribunal to file a compliance report before this Hon’ble Tribunal within seven days from the date of receipt of the order.

Hence, in compliance with the directions passed by this Hon’ble Tribunal vide its Order dated 24.04.2023, PPGCL is hereby filing the compliance affidavit wherein it has categorically stated that the RO plant has been fully operationalised w.e.f. 28.04.2023. The copy of the letter addressed to UPPCB along with the supporting photographs demonstrating the operationalisation of the RO Plant, is annexed with the compliance affidavit.

Kindly treat this e-mail as a valid medium of filing of the compliance affidavit being filed on behalf of PPGCL.

Best Regards,



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